

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**WILLIAM GOODMAN**  
Claimant

**APPEAL NO: 08A-UI-05691-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**X-L SPECIALIZED TRAILERS INC**  
Employer

**OC: 05-11-08 R: 04  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 10, 2008, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on July 7, 2008. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

**ISSUE:**

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time parts' cleaner for X-L Specialized Trailers from December 27, 2006 to May 9, 2008. He was originally hired as a welder but after one week the employer decided he could not do the job and he was moved to a parts' cleaner position. The employer worked eight hours per day five days a week until approximately February 2008 at which time it went to a 10-hour per day six days a week. After the claimant completed his duties as a parts' cleaner the employer directed him to assist in unloading trucks, helping the plasma operator or sweep the parking lot. The claimant suffered severe knee and leg pain from performing those other duties after the employer went to a 10-hour work day and asked the employer to transfer him to another position several times but was always told he was not qualified for any other positions. On May 9, 2008, the claimant was in tears from performing the other duties and gave his two-week resignation notice before the employer terminated his employment two hours later.

The claimant has claimed and received unemployment insurance benefits since his separation from this employer.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment with good cause attributable to the employer.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.26(1) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The claimant was hired as a welder and then moved to a parts' cleaner position after one week. As a parts' cleaner he was not told he would be expected to help other departments in tasks that placed great stress on his knees and legs when he finished his regular job duties. While the claimant did not mind doing work outside his parts' cleaner job he could not do the physically demanding work the employer required him to do after he completed his regular job tasks. Inasmuch as the claimant could not perform the work required outside his parts' cleaner position without suffering physical pain and possible further damage to his knees and legs, the change of the original terms of hire are considered substantial. Therefore, benefits are allowed.

**DECISION:**

The June 10, 2008, reference 02, decision is reversed. The claimant voluntarily left his employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs